

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3526 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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ASHWINBHAI M GAUDANI

Versus

STATE OF GUJARAT & OTHERS

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Appearance:

MR KB PUJARA for Petitioner

MR HL JANI for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/10/96

ORAL JUDGEMENT

Having heard the learned counsel for the petitioner and the respondents, I am of the opinion that by passing of the time, this Special Civil Application has become infructuous.

The grievance made by the petitioner in this case is that the Collector was not competent to act as a Licensing authority under the the provisions of Gujarat

Essential Articles (Licensing, Control and Stock Declaration) Order, 1981 in relation to the additional area of the Ahmedabad city. This court has protected the petitioner by way of the interim relief meaning thereby for all these years the respondents no.4 and 5 have been restrained from acting as a licensing authorities under the aforesaid order.

Whatever grievance made by the petitioner before this court in this petition no more survives and the petitioner and other persons will be at liberty to file fresh application for grant of licence for fair price shop in the area concerned, before the authority which is now competent. However, it is made clear that the respondents no.4 and 5 will not act upon on the applications which have been received in response to the advertisement made by them and which has been impugned in this Special Civil Application.

This Special Civil Application is dismissed as having become infructuous subject to the aforesaid observations. Rule discharged. No order as to costs.

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